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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,034	03/12/2001	Ichio Yudasaka	108898	8415

25944 7590 10/20/2003

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EXAMINER
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GARRETT, DAWN L

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 10/20/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/803,034

Examiner

Dawn Garrett

Applicant(s)

YUDASAKA, ICHIO

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 12-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 8, 2003, paper no. 16, has been entered.

### ***Response to Amendment***

2. The amendment, paper no. 13, originally filed August 5, 2003, has been entered as instructed in the request for continued examination. Claims 1, 2, and 13 were amended. Claims 8-11 were cancelled. New claims 18-21 were added. Claims 1-7 and 12-21 are currently pending.
3. The rejection of claims 1-7 and 12-17 under 35 USC 102(e) as being anticipated by Hosokawa et al. (US 6,157,127) set forth in paper no. 12 (mailed 5/9/03), paragraph 4, is withdrawn due to the amendment.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-7 and 12-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject

matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amendment to independent claims 1, 2, and 13 adds the limitation "the slope of the second electrode layer being greater than 45°". This limitation is considered broader than the degrees of the slopes the specification enables. In the specification paragraph 48, the slope is described as 45 degrees to 63 degrees. This is more narrow than the limitation of "greater than 45°".

6. Claims 18, 20, and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. These claims contain the limitation "the slope of the second electrode layer being greater than 45 degrees but less than about 63 degrees". Paragraph 48 in the instant specification only describes a slope of "45 degrees to 63 degrees". The specification is not enabling for an endpoint of "about 63 degrees" as it is unclear what the word "about" includes either higher or lower than 63 degrees. Applicant would have support in the specification for reciting slopes of 45 degrees to 63 degrees.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-7 and 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bulovic et al. (US 6,046,543). Bulovic teaches organic light emitting devices (OLEDs) (see abstract). In one embodiment, Bulovic discloses an OLED element embodiment comprising a cathode layer (22), organic layers (23), and anode layers (24a, 24b, and 24c) (see Figure 3G). There are three OLEDs depicted, which read upon a pixel configuration per instant claim 2. The layers are formed in a sloping, sawtooth configuration (see col. 6, line 64 through col. 7, line 3). While Bulovic does not describe the exact angles at which the layers are disposed, Figure 3G appears to depict the angles at around 45 degrees or greater, which reads upon the lower endpoint of the angles recited in claims 1, 2, and 13. It would have been obvious to one of ordinary skill in the art at the time of the invention to have formed pixels comprising sloping electrodes of 45 degrees or somewhat greater, because Bulovic generally discloses an OLED element with a sawtooth configuration comprising sloping electrodes at around 45 degrees or greater. Per instant claims 3-5 and 7, Figure 3G shows all of the claimed features. The Bulovic cathode is light reflective as it is comprised of metal (see col. 4, lines 13-15) and the anode is light transmissive as it is comprised of indium tin oxide (ITO) (see col. 4, lines 20-22) per instant claims 12 and 15. Per instant claims 7, the shape of the substrate provides the projections on which the electrode layers and organic layers are formed and the substrate is formed from insulating polished silicon (see col. 4, lines 4-6).

***Response to Arguments***

Art Unit: 1774

9. Applicant's arguments with respect to claims 1-7 and 12-21 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (703) 305-0788. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached at (703) 308-0449. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2351.

*Dawn Garrett*  
**DAWN GARRETT**  
**PATENT EXAMINER**

D.G.  
October 4, 2003